



**PLANNING COMMISSION AGENDA ITEM NO. F.1  
10/15/2024**

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**SUBJECT:** Conditional Use Permit for C'est La Vie Wine and Tea located at 6800 Lone Tree Way

**DEPARTMENT:** Community Development Department

**STAFF:** Erik Nolthenius, Planning Manager  
Sarah Yuwiler, Associate Planner

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### **TITLE/RECOMMENDATION**

An application for a Conditional Use Permit (CUP 24-006) to establish a 3,750 square foot restaurant/cafe known as C'est La Vie Wine and Tea that would serve beer and wine, host live entertainment, and occupy more than 15% of the existing building "E" located within the Lone Tree Crossings at 6800 Lone Tree Way (APN 019-010-054).

Staff recommends that the Planning Commission adopt Resolution No. 24-042, approving Conditional Use Permit No. 24-006, subject to certain findings and conditions.

The proposed project qualifies for a Class 1 categorical exemption under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301 (Existing Facilities), as the use will be established within an existing building located within an existing commercial center and will include only minor interior alterations (i.e., tenant improvements) and thus involves negligible or no expansion of existing or former uses.

The project further qualifies for a Class 32 categorical exemption under CEQA Guidelines Section 15332 (In-Fill Development Projects) as the proposed project is consistent with the applicable General Plan designation, as well as with applicable zoning designation and regulations, are proposed on a project site less than 5 acres in size, have no value as habitat for endangered species, would not result in significant effects relating to traffic, noise, air quality, or water quality, and can be adequately served by all utilities and public services.

### **OWNER/APPLICANT**

East Bay Real Estate LLC / DTB Ventures

### **GENERAL PLAN**

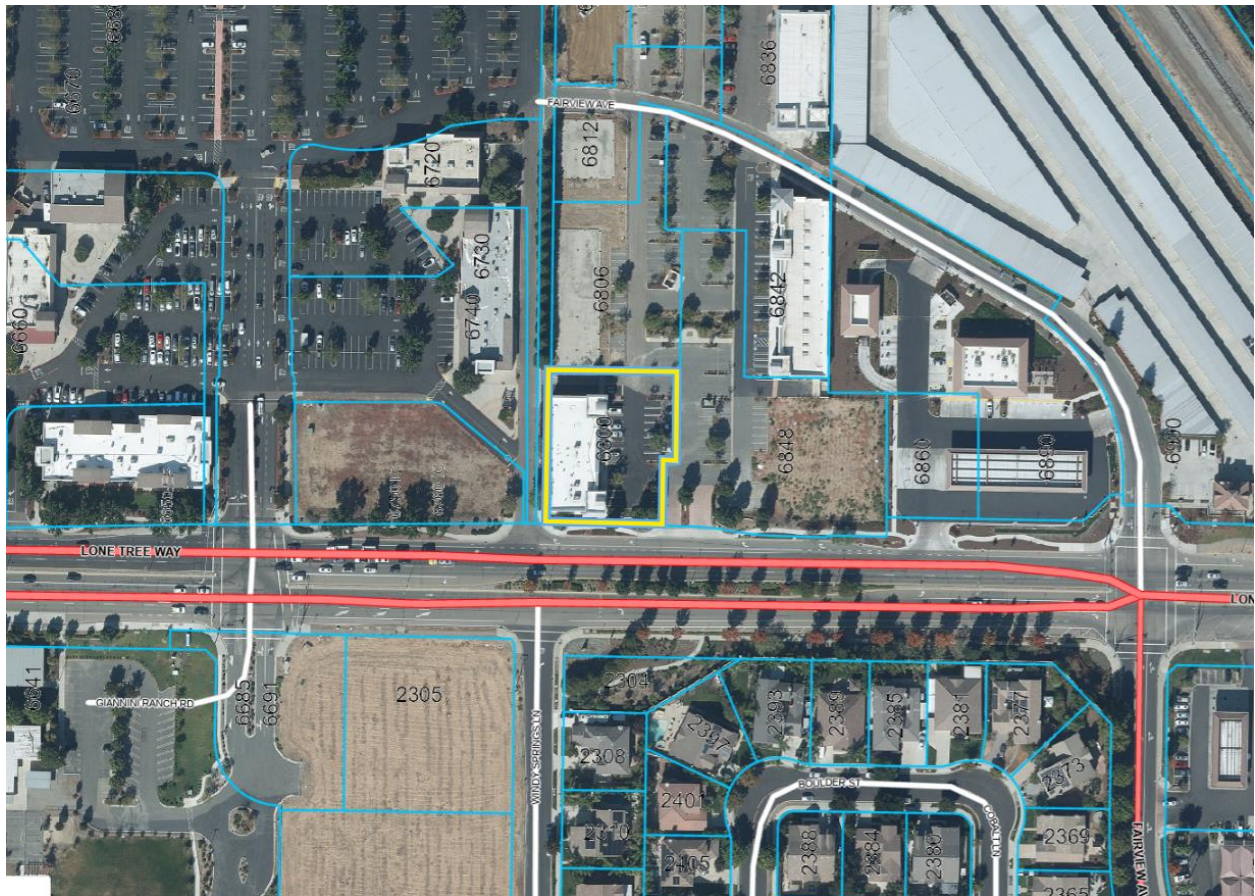
General Commercial (GC)

**ZONING/SURROUNDING LAND USES**

Planned Development 38, Subarea E (PD-38)

Surrounding Land Uses

- North: Vacant parcel, part of Lone Tree Crossings
- South: Lone Tree Way right-of-way
- West: Lone Tree Center & approved commercial building with drive-through, not constructed yet
- East: Vacant parcel, part of Lone Tree Crossings



**PREVIOUS ACTION(S)**

Previous actions related to this agenda item that were taken by the Planning Commission and City Council are listed in Attachment 1. To view prior actions and materials, and Brentwood Municipal Code references in the staff report, as applicable:



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- Visit [www.brentwoodca.gov/meetings](http://www.brentwoodca.gov/meetings), and select the meeting date(s) desired to see the reference materials and videos.
- Visit [www.brentwoodca.gov/municipalcode](http://www.brentwoodca.gov/municipalcode) to research references to the Brentwood Municipal Code and search by the code section(s) cited.

**BACKGROUND**

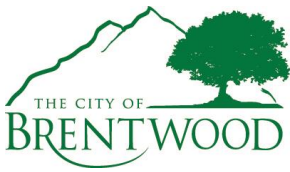
The proposed project is located within PD-38, Subarea E, also known as Lone Tree Crossings. The overall site consists of an approximately 117,368 square foot retail commercial center on nine parcels approved for development with freestanding Buildings A, A1, B, C, D, E, F, F1, and G. The center was originally approved in 2006 under Design Review 05-29 (DR 05-29) and is slowly being developed over time:

Building	Status
A	Not yet constructed; parcel vacant
A1	Constructed (The Power Church)
B	Constructed (Firestone)
C	Constructed (vacant building)
D	Not yet constructed; parcel vacant
E	Building permit recently issued (Lone Tree Animal Care)
F	Building permit submitted and under review
F1	Not yet constructed; parcel vacant
G	Subject site; not yet constructed; parcel vacant

The applicant proposes to operate C'est La Vie Wine and Tea within a recently constructed commercial shell building ("E") at 6800 Lone Tree Way. The use would occupy 3,750 square feet of the 7,511 square foot building. Lone Tree Crossings is located directly north of Lone Tree Way, east of Windy Springs Lane and west of Fairview Avenue. There are no physical site improvements proposed, as the project only includes modifications to the tenant space to ensure it meets the needs of the restaurant/cafe. The subject building was recently constructed and finalized in 2023, with the other half of the building currently occupied by Lone Tree Animal Care.

**PROJECT DESCRIPTION**

The applicant proposes to establish C'est La Vie Wine and Tea as an "upscale entertainment café" in Suite 2 of building "E" within Lone Tree Crossings. The use would occupy approximately 3,750 square feet of the 7,511 square foot building. The applicant proposes to host events, such as live music nights, comedy shows, art



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exhibits, themed events, book signings, and private parties, with several of these events per week. The café/restaurant venue intends to focus on local, national, and internationally known artists and entertainers. Food and beverages will be served, including beer and wine (no distilled spirits). The café will consist of a bar and cold kitchen to prepare the food items, such as pastries and snacks. While the café intends to cater toward hosting events, the café will operate daily regardless of whether there is a scheduled event. The café's proposed hours of operation are 7:00 A.M. to 12:00 A.M. Sunday through Thursday and 7:00 A.M. to 1:00 A.M. on Friday and Saturday. The applicant estimates the capacity to hold between 75 and 90 guests. The capacity would be determined by the California Building Code as well as the California Fire Code during the tenant improvement building permit review process.

**ANALYSIS**

**GENERAL PLAN CONSISTENCY- GENERAL COMMERCIAL (GC)**

The General Plan land use designation for the subject site is General Commercial, which allows for concentrations of a variety of mixed commercial uses, and service type businesses that serve specific areas of the city and neighborhoods that are related to arterial intersections. The proposed use conforms to this designation, as it is a commercial use that draws customers and provides services adjacent to a major arterial intersection (Lone Tree Way).

Restaurants and cafes are uses that are consistent with the intent of the General Commercial land use designation. The proposed project is consistent with various goals and policies of the General Plan. By way of example, the project will help build a balanced economy within a diverse business environment and support and strengthen local businesses (Goals ED 1, ED 2, and ED 3). The project also attracts economic growth across a broad spectrum of industries and encourages a diversity of employment (Goal ED 2, Policy ED 2-1).

**ZONING CONSISTENCY- PLANNED DEVELOPMENT 38 (PD-38) SUBAREA E**

The proposed project is located in Subarea E of the PD-38 zoning district. This subarea is specifically intended for a mix of general commercial and regional commercial uses. Restaurants, cafes, and other food service uses are permitted within the subarea, with the caveat that they occupy 15% or less of the floor area of the building. Uses such as these that occupy 15% or more of the floor area require a conditional use permit per the Brentwood Municipal Code (BMC) section 17.88.011(B)(4). Since the proposed use would occupy 3,750 square feet of a 7,511 square foot building (approximately 50% of the floor area), therefore exceeding the





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15% threshold, a conditional use permit is required. Further, BMC section 17.88.011(B)(2) also requires a conditional use permit for onsite alcohol sales.

**SITE PLAN, ACCESS, AND PARKING**

The subject site is located on the southwest “corner” of the overall Lone Tree Crossings development, with building frontage adjacent to Lone Tree Way and additional frontage along the main access driveway. The building can be accessed through two driveways from Lone Tree Way, which are both adjacent to the building itself. As previously noted, the building, site, and parking are existing and recently constructed to comply with current regulations. No modifications are proposed to the site or exterior of the building.

BMC Section 17.488.017(B)10 stipulates a parking ratio of one space per 250 square feet of building floor area for Subarea E of PD-38. Lone Tree Crossings is partially constructed and provides a total of 507 parking spaces, which is well above the required parking per the approved building square footage. The center is currently parked at roughly one space per 230 square feet and as a previous condition of approval for Lone Tree Crossings, the developer was required to grant reciprocal parking and access rights to the adjacent parcels, meaning that the patrons of a tenant on one parcel may utilize parking facilities on another parcel in the center.

Below is a table of the existing, under construction, and proposed buildings with their associated square footages and required parking to indicate that the site, as a whole, is still parked adequately and qualifies for approval of shared parking.

**SITE PARKING CALCULATIONS:**

EXISTING PARKING SPACES PROVIDED: 507

BUILDING	STATUS	ORIGINAL APPROVED SF.	ORIGINAL REQUIRED PARKING SPACES	ACTUAL S.F.	PARKING SPACES USED
A	FUTURE CONSTRUCTION	46,000	184	T.B.D.	PROJECTED: 184
A1	EXISTING	10,010	40	10,010	10,010 / 250 = 40
B	EXISTING	8,142	32	8,142	8,142 / 250 = 32
C	UNDER CONSTRUCTION	11,885	48	11,705	11,705 / 250 = 47
D	FUTURE BUILDING	17,080	68	T.B.D.	PROJECTED: 68
E	UNDER CONSTRUCTION	7,491	30	7,511	7,511 / 250 = 30
F	UNDER CONSTRUCTION	9,490	38	9,458	9,458 / 250 = 38
F1	FUTURE CONSTRUCTION	4,970	20	T.B.D.	PROJECTED = 20
G	THIS APPLICATION	2,200	9	6,625	6,625 S.F. / 250 = 27
			469		486



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**CONDITIONAL USE PERMIT**

As referenced, the size of the proposed café requires a conditional use permit, in addition to alcohol sales for on or off-site consumption and hosting live entertainment. Conditionally permitted uses are those uses that, by their nature, require special consideration so that they may be located properly with respect to the objectives of the Brentwood Municipal Code (BMC) and with respect to their effect on surrounding uses and properties. In order to achieve these purposes, the approving body has the authority to approve, conditionally approve, or deny applications for conditional use permits. A conditional use permit may be granted only if the proposal conforms to all of the general criteria and specified findings found in Section 17.830.005 of the BMC. Staff reviewed these findings and determined they can be made, as reflected in the attached draft Resolution No. 24-042 given that; all activities will be conducted indoors, the site is served by appropriate public facilities and utilities, and is located within an existing commercial center with surrounding compatible uses.

CUP 24-006 requests approval specifically to:

- Establish a 3,750 square foot restaurant/café venue known as C'est La Vie Wine and Tea to serve beer and wine, host live entertainment, and occupy an approximately 3,750 square foot tenant space which is greater than 15% of the existing building at 6800 Lone Tree Way.

**DATE OF NOTICE**

The City of Brentwood published a public hearing notice in the [Brentwood Press](#) and mailed it to all property owners within 300 feet of the site on October 4, 2024. The applicant also posted the project site with the required signage. The City has not received any public comments regarding this project.

**ENVIRONMENTAL DETERMINATION**

The proposed project qualifies for a Class 1 categorical exemption under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301, as the use will be established within an existing facility and will include only minor alterations (i.e. tenant improvements) to an existing building located within an existing office/industrial center and thus involves negligible or no expansion of existing or former uses.

The project further qualifies for a Class 32 categorical exemption under CEQA Guidelines Section 15332 (In-Fill Development Projects) as the proposed project is



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consistent with the applicable General Plan Designation, as well as with applicable zoning designation and regulations, are proposed on a project site less than 5 acres in size, have no value as habitat for endangered species, would not result in significant effects relating to traffic, noise, air quality, or water quality, and can be adequately served by all utilities and public services.

**ATTACHMENT(S)**

1. Previous Actions
2. Draft Planning Commission Resolution No. 24-042
3. Project Description
4. Project Plans date stamped received August 12, 2024